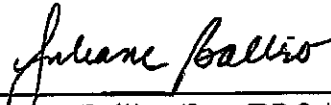


4. This matter has already generated extraordinary interest from national and local print and television media outlets. The Defendant's attendance at the arraignment will only serve to heighten prejudicial media interest in the case and will increase the risk of contamination of the pool of jurors available for the trial.
5. The defendant submits the Affidavit attached as Exhibit "A" in support of the within motion.

Respectfully submitted,



Julianne Balliro, Esq. (BBO #028010)

julianne.balliro@nelsonmullins.com

Nelson Mullins Riley & Scarborough LLP

One Post Office Square, 30th Floor

Boston, MA 02109

P. (617) 217-4700

F. (617) 217-4710

Dated: December 27, 2018

CERTIFICATE OF SERVICE

I hereby certify that on December 27, 2018, a true copy of this document was served upon the attorney of record for each other party by email and first class mail as follows:

Michael K. Giardino, Assistant District Attorney
Cape and Islands District Attorney's Office
3231 Main Street
P.O. Box 455
Barnstable, MA 02630



Juliane Balliro

EXHIBIT A

COMMONWEALTH OF MASSACHUSETTS

NANTUCKET, ss

DISTRICT COURT DEPARTMENT
DOCKET NO. 1888CR000598THE COMMONWEALTH OF
MASSACHUSETTS

vs.

KEVIN S. FOWLER

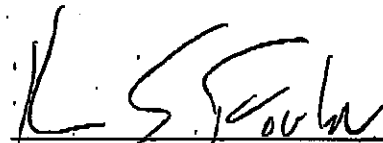
AFFIDAVIT OF KEVIN S. FOWLER IN SUPPORT OF
MOTION TO WAIVE PRESENCE AT ARRAIGNMENT

I, Kevin S. Fowler, hereby swear and aver as follows:

1. I am the Defendant in the above referenced matter.
2. I am currently represented by privately retained counsel, Julianne Balliro, Esquire.
3. I am also requesting that Alan Jackson, Esquire be admitted to this Court, Pro Hac Vice so that he may also represent me in connection with this matter.
4. I understand and acknowledge that I have a right to be physically present for my arraignment on January 7, 2019.
5. I would like to waive my right to be physically present at my arraignment.
6. I am requesting that this court excuse my physical presence at the arraignment as I reside out-of-state and believe that my presence will amplify the negative publicity already generated in connection with this case.
7. I understand and acknowledge that I have a right to have the charge pending against me be read in open court and I hereby waive the reading of the charge.

8. I understand that at arraignment the Court would advise me of any rights I may have under G.L.c. 111E, § 10; G.L.c. 123, § 15; or G.L.c. 221 § 91B. I hereby waive the reading of those rights.
9. I am over the age of 22 and I have not been offered mediation.
10. I wish to enter a plea of not guilty.
11. I will abide by all orders of the Court during the period of my pre-trial release, including any orders that I physically appear.
12. I understand that if I fail to appear and answer to the charges pending against me without sufficient excuse, I can be subject to a fine or imprisonment or both under G.L.c. 276, § 82A.

SIGNED AND SWORN TO under the pains and penalties of perjury this ____ day of
December, 2018.


Kevin S. Fowler